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through the use of an I/O device, having at least one customer specified secret password,
comprising:

- a step to receive the secret password;
- a step to calculate the amount of funds having the password; and
- a step to output the funds.

Remarks

Claims 1-12 are under consideration. Claims 1,7,10,11, and 12 have been amended; reconsideration of all claims is requested in light of this Amendment, the accompanying arguments, and the Declaration of Karim Asani.

The Action rejected Claims 1-12 under 35 USC § 112 (b), over Kolling et al US 5,920,847.

In response, Applicant disagrees but submits the following Amendments in the interest of expediting the allowance of the application.

As per Claim 1, Applicant disagrees with the importance that the Examiner's places on the connection created between personal financial information and transactions. There is only, at best, a temporary connection between the I/O device and personal financial information; this connection is severed upon the creation of said I/O device. The Claim has been amended to further specify its original purpose, a transaction where there is no link between personal financial information at the time of the transaction. As specified in the 'DETAILED DESCRIPTIONS OF THE VARIOUS PROCESSES' on page 10 of the original specification, the personal financial information of the user and

the user's I/O device (the means of making the transaction) *are stored in different databases*. As this indicates there is no connection between the personal financial information and the I/O device.

The transactional process described by the invention substantively differs from the process taught by Kolling et al (US 5,920,847). "To authorize a remittance, the consumer transmits to its bank or any other party connected to the network, a transaction indicating an amount to pay, the source of the funds, a date on which to make the payment, consumer C's account number with the biller B (C-B account #) and biller B's BRN (biller reference number) COL 11 Ln 18-46." By disclosing the form of payment (creditcard, check, etc.) the art had created a substantial connection between the personal financial information of the user during the transaction. Where the art allows this connection to exist during the transaction the invention only allows it to exist during the establishment of the I/O account, thus creating an advantage over the art.

According to case law, for a rejection to be upheld under section 102(b) of 35 USC, "...every element of the claimed invention must be identically shown in a single reference'...these elements must be arranged as in claim under review" (In re Bond, 910 F.2nd 831, 15 USPQ 2nd 1566). Therefore, under In re Bond, the cited art does not anticipate the prior invention. This is because an essential element of the present invention—the separation of personal financial information from the transactional process—is not present in the cited prior art.

Claims 2 -6 are each dependant upon Claim 1; as such the rejections to these Claims should be withdrawn in view of the above arguments.

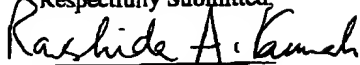
As per Claim 7, the Examiner has again drawn an unjustified parallel between an ATM and the invention. The function of the I/O device as described above, and corroborated by the Declaration of Karim Asani, is such that there is no connection between the user's personal financial information and the I/O device at the time of the transaction. The original intent of the limitations 'bank account' and 'bank information' was to refer to the device used to interact with these accounts. The Declaration of Karim Asani attached herewith corroborates this. Applicant felt that the disclosure had already made apparent that bank information would never be transmitted during any transactions, and that the limitation 'bank account' and 'bank information' would in fact refer to the device that represents these accounts. The I/O device is the most notable novel feature of the invention. In the functioning of an ATM there is an inherent connection between personal financial information and the transaction. Thus, the functioning of an ATM and the invention are diametrically opposed. The two differ in the most significant of facets.

Claims 8 and 9 are each dependant on Claim 7; as such the rejections to these Claims should be withdrawn in light of the above argument and the Declaration of Karim Asani.

Claims 10, 11, and 12 have been amended to clarify the original intent of the applicant, namely the function of the input/output (I/O) device.

In support of the Amendment to the Claims, Applicant has submitted a sworn Declaration. Should the Examiner find this Declaration is insufficient Applicant's Attorney requests that the Examiner expressly state why the Declaration and the Claim Amendments were found to be insufficient MPEP 716.01.10 (b).

Applicant's Attorney has diligently responded to the rejection of Claims 1-12 under Kolling et al. and thus, this rejection should be withdrawn and notice of the effect that Claims 1-12 are allowed be issued. Should the Examiner deem that this Application is not in condition for allowance Applicant requests that the Examiner telephone the undersigned Attorney, prior to issuing any further Office Action.

Respectfully Submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being faxed to the attention of Examiner Steven R Waslychak at (703) 305-3597 of the United States Patent and Trademark Office

on February 28, 2002.


Shaun P. Mulreed

Marked-up Claims

1. (Twice Amended) A data processing system for executing an e-financial transaction for [in] an account having at least one customer specified secure parameter, comprising:
a central controller including a CPU and a memory operatively connected to said CPU;
at least one terminal, adapted for communicating with said central controller, by transmitting the secure parameter to said central controller; said memory in said central controller containing a program, adapted to be executed by said CPU, for executing e-financial transactions for the secure parameter, wherein the secure parameter is a password or code; wherein said central controller receives the secure parameter from said terminal and executes the e-financial transaction for the account based upon the secure parameter, without requiring access to personal financial, banking, or credit card information.
7. (Amended) A method of executing an e-financial transaction having at least one customer specified secure parameter, such that no personal financial information is disclosed during the transaction, using a central controller including a CPU and a memory operatively connected to a CPU and containing a program adapted to be executed by said CPU for calculating the amount of funds, and a terminal adapted for communicating with said central controller, the method comprising the steps of:
transferring a specified amount of funds to the central controller through an electronic fund transfer or cash, receiving an input/output device and a secure password from the central controller, executing the e-financial transaction by;

imputing the secure password and the I/O device [bank information] to the central controller via the terminal;

processing a program to execute the e-financial transaction transmitted by the secure password, the amount of funds having the password security; and
outputting the calculated funds from the controller to a I/O device [bank account] specified by the customer.

10. (Amended) A data processing system for executing an e-financial transaction having at least one customer specified secret password, wherein personal financial information is protected through the use of an input/output device, comprising:
- a CPU;
 - a memory operatively connected to said CPU,
 - said memory containing a program, adapted to be executed by said CPU, for receiving the secret parameter and calculating the amount of funds having the secret password; and
 - said input/output device, operatively connected to at least one of said memory and said CPU, for input of the secret password and for output of the funds.

11. (Amended) A method of executing an e-financial transaction, wherein personal financial information is protected through the use of an I/O device, having at least one customer specified secret password using a CPU and a memory operatively connected to said CPU and containing a program, adapted to be executed by said CPU, for calculating a price, the method comprising the steps of:
- receiving the secret password;
 - executing the program in the CPU for calculating: